

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

RICKY RONNELL EWING

PLAINTIFF

v.

CAUSE NO. 1:16CV122-LG-RHW

TAYLOR HORN, ET AL.

DEFENDANTS

**ORDER OVERRULING OBJECTION TO MAGISTRATE JUDGE'S ORDER
DENYING MOTION TO REBUTTAL**

BEFORE THE COURT is the [16] Notice of Appeal filed by Plaintiff Ricky Ronnell Ewing, who is proceeding *pro se*, with respect to the [15] Order entered by United States Magistrate Judge Robert H. Walker denying Ewing's "Motion to Rebuttal." The Court has construed the Notice as an objection to the Magistrate Judge's Order pursuant to Federal Rule of Civil Procedure 72, and has determined that the objection should be overruled.

When a Magistrate Judge decides a nondispositive pretrial matter, such as Ewing's Motion to Rebuttal, "[a] party may serve and file objections to the order within 14 days after being served with a copy." Fed. R. Civ. P. 72(a). This Court will then "consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law." *Id.*; *see also* Loc. Unif. Civ. R. 72(a). Ewing's objection was timely, even though incorrectly filed as a Notice of Appeal directed to the Fifth Circuit.

The Court has reviewed the Magistrate Judge's [15] Order and the record in this matter and finds that the Order is not contrary to law or clearly erroneous.

The Magistrate Judge found that, through his Motion for Rebuttal, Ewing was seeking leave to file a reply to the Answer filed in this action, “which [wa]s essentially a repetition of the allegations of his complaint.” (Order 1, ECF No. 15). The Court agrees. Moreover, under Federal Rule of Civil Procedure 7(a)(7), also cited by the Magistrate Judge, a reply to an answer is allowed only “if the Court orders one . . .” (emphasis added). The Magistrate Judge denied Ewing’s Motion on the grounds that it had “ordered no reply in this case, and finds no reason to do so.” (Order 1, ECF No. 15). The Court is of the opinion that the Order is neither clearly erroneous nor contrary to law. Therefore, the objection is overruled and the magistrate judge’s order is affirmed.

IT IS THEREFORE ORDERED AND ADJUDGED that the [16] Notice of Appeal filed by Plaintiff Ricky Ronnell Ewing, which the Court has construed as an objection made pursuant to Federal Rule of Civil Procedure 72, is **OVERRULED**
AND THE MAGISTRATE JUDGE’S ORDER IS AFFIRMED.

SO ORDERED AND ADJUDGED this the 29th day of August, 2016.

s/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE